

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawing includes changes to FIGURE 5. The sheet replaces the original drawing sheet of drawings that included FIGURE 5. In FIGURE 5, reference numeral 148 (shown without a lead line) has been deleted. No new matter has been added by these amendments.

Attachments: Replacement Sheet (1 page)  
Annotated Sheet Showing Changes (1 page)

### **REMARKS**

The Examiner's communication dated September 16, 2004 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Specifically, claims 1-2, 6, 9-15 and 17-21 have been amended, claims 3-5, 7-8 and 16 have been cancelled and new claims 22-29 have been added. Reexamination and/or reconsideration of the application as amended are respectfully requested.

### **Summary of the Office Action**

Claims 2, 5, 9-17, 20 and 21 were indicated as containing allowable subject matter.

Claims 6-8, 18 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coker et al. (U.S. Patent No. 3,387,406).

Claims 1, 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sturgis (U.S. Patent No. 5,398,987) in view of Coker et al.

The drawings and the specification were objected to for minor informalities.

### **Drawings**

In the drawings, FIGURE 5 has been amended to overcome the Examiner's objection. In particular, reference numeral 148 (shown without a lead line) has been deleted. No new matter is added as a result of this drawing amendment.

### **Specification**

In the specification, the abstract has been carefully amended to overcome the Examiner's objection. In particular, the phrase "is provided" has been deleted.

Additionally, paragraph [0020] has been amended as suggested by the Examiner to overcome the objection relating thereto. No new matter is added as a result of these specification amendments.

**The Claims Distinguish Patentability  
Over the Reference(s) of Record**

Claim 1, as amended, calls for a dual mode hinge including a body bracket assembly and a tailgate bracket assembly. The tailgate bracket assembly includes an angled bracket with a first leg portion for connecting to the bottom edge of the tailgate and a second leg portion for connecting to the first lateral edge of the tailgate. These limitations concerning the tailgate bracket assembly generally parallel the tailgate bracket assembly of former dependent claim 5, which was indicated as containing allowable subject matter. Accordingly, it is submitted that claim 1 and new claim 22, which depends from claim 1, are in condition for allowance.

Claim 2, which was indicated as containing allowable subject matter, has now been placed in independent form and, accordingly, it is submitted that claim 2 and new claim 23, which depends from claim 2, are in condition for allowance.

Claim 6, as amended, calls for a rotatable member having a body portion through which first and second pivot pins extend and an arm extending from the body portion wherein a torsion spring is attached to a distal end of the arm and is engaged by a cam on a tailgate bracket assembly when a tailgate is moved about a first pivot axis. The torsion spring and cam were originally included in dependent claim 16, which was indicated as containing allowable subject matter. Thus, claim 6 and claims 17 and 24-26 dependent from claim 6, are submitted as being in condition for allowance.

Claim 9, which was indicated as containing allowable subject matter, has now been placed in independent form and, accordingly, it is submitted that claim 9 is in

condition for allowance. Claim 9 and claims 27-28 dependent therefrom are in condition for allowance.

Likewise claim 10, which was indicated as containing allowable subject matter, has now been placed in independent form and, accordingly, it is submitted that claim 10 and claim 29 dependent therefrom are in condition for allowance.

Similarly, claim 11, which was indicated as containing allowable subject matter, has now been placed in independent form and, accordingly, it is submitted that claim 11 and claims 12-15 which depend from claim 11, are in condition for allowance.

Claim 18, as amended, calls for a tailgate hinge assembly including a checker for urging a tailgate toward preselected positions when opening the tailgate wherein the checker includes a biasing member in a rotatable cam for engaging the biasing member when the tailgate is opened. It is submitted that none of the references of record disclose such an arrangement. Accordingly, claim 18 is submitted as now being in condition for allowance.

Claim 21, which was indicated as containing allowable subject matter, has now been placed in independent form and, accordingly, it is now submitted that claim 21 and claims 19-20 dependent therefrom, are in condition for allowance.

### **CONCLUSION**

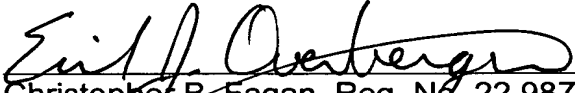
All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview

to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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MINNICH & McKEE, LLP

December 16, 2004  
Date

  
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Certificate of Mailing

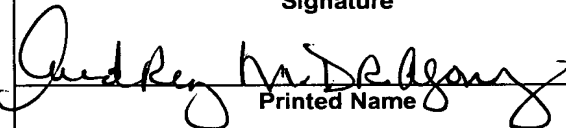
Under 37 C.F.R. § 1.8, I certify that this Amendment is being

☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>Express Mail Label No.:</b>
<b>Date</b> <b>December 16, 2004</b>

<b>Signature</b> 
<b>Printed Name</b> <b>Audrey M. Dragony</b>

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